

A
L E T T E R

FROM THE

Rev. Charles Plowden

TO C. BUTLER, W. CRUISE, H. CLIFFORD,
and W. THROCKMORTON, Esqrs.

And Reporters of the Cisalpine Club.

IN WHICH THEIR REPORTS, ON THE AUTHENTICITY OF THE INSTRUMENT OF CATHOLIC PROTESTATION LODGED IN THE BRITISH MUSEUM, ARE EXAMINED.

Whatever spirit, careless of his charge,
His post neglects, or leaves the fair at large,
Shall feel sharp vengeance soon o'ertake his fins.

RAPE OF THE LOCK. CANTO II.



L O N D O N :

Printed by I. P. COGHLAN, No. 37, Duke-street, Grosvenor-square; and Sold by Messrs, BOOKER, Bond-Street; KEATING, Warwick-Street; LEWIS, Russel-Street; DEBRET, Piccadilly; and ROBINSONS, Pater-Noster Row.

M DCC XCVI.

LETTER

TO THE

MEMBERS OF THE

ASSOCIATION

OF THE

PROFESSORS

OF THE

UNIVERSITY

OF

THE

STATE

OF

THE

UNION

OF

THE

WEST

AND

THE

SOUTH

WEST

AND

THE

WEST

AND

THE

WEST

AND

THE

WEST

AND

THE

WEST

AND

THE

P R E F A C E.

IN 1789 a large number of Roman Catholics throughout England subscribed an Instrument, called a Protestation, at the recommendation of the Catholic Committee; and an oath was afterwards grounded upon it, the lawfulness of which became the subject of a long dispute. Parliament having rejected this oath in 1791, it was hoped, that the Protestation, which had occasioned disagreements, would be suffered to fall into oblivion; but soon after, a small majority of a catholic meeting in London thought proper to deposite the original Instrument of that Protestation in the British Museum. In 1793 and 1794 the R. Mr. Milner and I alledged some reasons for thinking, that the Instrument deposited in the Museum, was not the authentic original, but a falsified copy. A club of Gentlemen, who call themselves Cisalpines, undertook to defend the originality of their favorite Instrument. Four law-members of
their

their club were deputed to investigate the authenticity of it, and their Report was published. Mr. Milner printed a *Reply* to this report; and the Cisalpines rejoined by a *Further Report*, to which the ensuing letter is an answer. At the head of it, extracts from the two reports are printed, to serve as terms of comparison, by which the reader may judge, whether the authenticity of the Museum-Instrument is fairly proved by the Cisalpines, or the spuriousness of it by Mr. Milner and me. If the public verdict should be against the authenticity, what shall be done with the 1500 signatures, which are now affixed to a spurious Instrument? The 1500 subscribers must answer the question.

Extract

[19]

EXTRACT FROM THE FIRST CISALPINE
REPORT.

“ **P**URSUANT to a resolution entered into by the Cisalpine club, at their meeting on the 13th of April last, in consequence of information given them of an assertion of Mr. Milner, repeated by Mr. Charles Plowden, respecting the authenticity of the protestation lodged at the Museum, viz. “ that the “ law members of this society be desired to investigate the authenticity of the instrument of protestation lodged in the Museum, and to report accordingly at the next meeting.” Mr. Cruise, Mr. Butler, Mr. William Throckmorton and Mr. Clifford attended at the Museum on Tuesday, the 20th of last May, and Lord Petre and Sir Henry Charles Englefield were also present at their request; as was also Mr. Hope, who was Mr. Butler’s head-clerk during the whole time he was secretary to the late catholic committee, and *who had the charge of all the papers relative to that business.* They first perused the charges made by Mr. Milner and Mr. Plowden, on the subject in question.”

Here follow two passages, cited, from Mr. Milner’s *Ecclesiastical Democracy Detected* p. 304. and from Mr. Plowden’s *Remarks on the Memoirs of G. Panzani,*

Panzani, p. 44. in both which it is argued, on the same ground, that the Museum Deed is not the authentic original, on account of the discordance between the descriptive name given to the Roman catholics in that Deed, and in the official editions of the Protestation, published by the Committee. In the former they are described by their genuine name *Catholics of England*; in the titles of the latter, they are called *English Catholic Dissenters*. After these citations, the Report proceeds thus :

“ They then inspected and examined the protestation with *the greatest attention*. And the result of their inspection of the Instrument and examination of Mr. Hope is, that they are *fully satisfied* it is not a copy, but the original identical instrument of protestation which was presented by the late Committee of English catholics to the English catholic clergy, and laity, and signed by them, first at the meeting of the late Bishop Talbot and his clergy, at Slaughter’s coffee-house; then by Bishops Walmesley and Sharrock, and the gentlemen at Bath; then by the gentlemen present at the meeting at the Crown and Anchor tavern in the Strand; and afterwards by the different catholics, among whom it was circulated with the original names of those who signed it at the above meetings: *and that there is no trace or mark of any alteration in it, nor the slightest occasion to suspect any has been made.*

That with respect to the title being altered, the original instrument of protestation signed by the
Catholis

Catholics and deposited in the Museum, neither has, nor ever had, any title whatever. It begins thus, " We whose names are hereunto subscribed, " Catholics of England," &c. . . . The printed sheets circulated among the Catholics, with the parchments, for their signatures, had no title. When it was presented to the House in the form of a petition, the language of it was necessarily varied to adopt (adapt) it to that form. It therefore began, " the humble petition of the persons, &c." The printed copies which were circulated among the members, had no title prefixed to them, but on the back a title was printed, to denote its contents. For the same reason the same title was given it in the Appendix to the third Blue Book. Without a title, a person ignorant of the catholic concerns at that time would not have known what the instrument was, without examining it at length."

June 15, 1794.

Charles Butler,
Wm. Cruise,
Henry Clifford,
Wm. Throckmorton.

This report having been presented to the Cistatine Club, on the 10th of February 1795, it was unanimously resolved, on the motion of Sir Henry Englefield, seconded by Sir John Throckmorton, that the same be printed, &c."

EXTRACT

EXTRACT FROM THE *Further* CISALPINE
REPORT.

" With respect to Mr. Plowden's letter, we think it does not contain any thing of the slightest importance to the object of the present controversy; we shall therefore say nothing upon it; . . . As to Mr. Milner he explicitly avows his charge; he calls the instrument at the Museum " a Forgery," and he states his proofs; these we have considered, and to enable us to form a better judgment of them, we have again examined the instrument at the Museum, where Mr. Hope, by our desire, was again present. . . . We must first premise, that in page 24 of Mr. Milner's work, we found this passage, " I assert," says he, " that the original instrument, " after which we inquire, was laid aside on that solemn occasion, viz. (of petitioning of parliament) " and a spurious protestation, emblazoned with the " names of the principal catholics in England, of " which the antiquated Deed had been stripped, " was introduced into parliament in its stead; as " another changeling, with the same stolen ornament, since has been into the archives of the " British Museum." This charge is more than once repeated in his letter; Mr. Milner however, having examined the petition itself at the Houses of Parliament, finds he is totally mistaken, and therefore prefixed to his letter a note, in which, he candidly, and without reserve, admits the untruth of the charge;

charge; but he calls it, " an unimportant mistake." We certainly think, that to charge a set of persons, with " presenting a spurious instrument to a branch " of the legislature on a solemn occasion," is to charge them with the commission of a crime, of a very black nature. . . . But as he retracts it, we shall say nothing farther upon it, neither shall we consider any other part of his present work, except that which relates to the authenticity of the protestation itself—that being the only fact, which you have referred to us, or into which we have undertaken to inquire. He divides the evidence in support of the charge of forgery of the Protestation into extrinsic and intrinsic.—We shall follow him, and consider them separately.

As to the extrinsic—he observes " that it appears to him very extraordinary, that Mr. Butler, " the late Secretary of the Committee, is entirely " silent upon it, and contents himself with referring " to Mr. Hope, his late clerk." As Mr. Butler joined with the other gentlemen in their report, he thought any particular declaration from him was unnecessary. But to obviate every possible misconception of this circumstance, Mr. Butler now takes the occasion *to declare, in the most explicit and solemn manner*, and using the expression in the sense agreed to by both parties, that *The instrument of Protestation in the Museum is the authentic instrument, that is to say, not a copy, but the original identical instrument.*

Mr. Milner then proceeds to what he calls a cross-examination of Mr. Hope.—As it seems, merely, an attempt at humour, . . . we shall say nothing upon it. Our examination of that gentleman, we admit, was very different from Mr. Milner's. We asked Mr. Hope, whether he remembered the writing out and examining of the protestation?—Whether, till it was delivered out for signature, and after the signatures were affixed to it, till it was lodged in the Museum, it was in Mr. Butler's custody?—Whether great care had been at all times taken of it?—Whether he had always access to it?—Whether he had ever known or heard of any title being prefixed to it, or any other alteration being made in it?—If any title had been prefixed, or any alteration made, whether he must not have known it?—And, upon the whole, whether he believed the writing in question to be the original identical protestation?—Questions of the same import were put to Lord Petre, to Sir Henry Englefield, to Mr. Clifford, to Mr. Butler—all of them agreed on the points, on which they were questioned; all deposed in favour of the authenticity of the instrument.—We have only to add, that *the confidence reposed by Mr. Butler in Mr. Hope is known to us . . . and that there seldom occurs an instance of a person in Mr. Hope's situation being so much esteemed and regarded as he was during his stay with Mr. Butler, . . . this adds to the importance of his testimony.*

Mr.

Mr. Milner proceeds to the intrinsic evidence.
 First, he says, page 9. " I assert, that, at the
 " top of the first skin before the words ' We whose
 " names are hereunto subscribed' there is a regu-
 " lar series of needle holes, through the whole
 " breadth of the parchment, the last of which
 " holes (proceeding from right to left) is torn
 " through the margin, as would naturally happen
 " from ripping up threads that connected two skins
 " together in a hasty manner ; now this appearance
 " in my judgment is a very unequivocal mark of
 " the mutilation of a skin, that once formed part
 " of the deed in question, and which no one will
 " doubt, contained the title at large of the Pro-
 " testation."

In observation upon this, we mention the fol-
 lowing circumstance, which has been stated and
 proved to us in the fullest manner. The Protesta-
 tion was originally fastened at the top of it to a piece
 of wood, upon which it was rolled up ; after the
 signatures were affixed to it, the Committee ob-
 served, that, when the whole was rolled up, the Pro-
 testation being immediately fastened at the top of
 it to the wood on which it turned, was the inner-
 most part, so that to get a sight of the Protestation,
 it was necessary to unfold the whole ; to avoid which,
 they directed the piece of wood to be removed
 from the top of the Protestation to the last skin of
 the whole. This occasioned the needle holes on
 which Mr. Milner founds the charge of mutilation.
As he seems to expect an express declaration from

Mr. Butler on every point of this kind, Mr. Butler here declares, that the instrument never had the title mentioned by Mr. Milner; that such a title or any other title was never suggested, and that, till it was charged upon the parties in question, by one or other of the reverend gentlemen, he never heard of the Protestation's having the title; he also declares, that the holes at the top were owing to the circumstances stated above. We must also observe, that Mr. Milner has never mentioned . . . any occasion, on which the title was used, or any end it either could or was intended to answer.

He states some expressions from the blue books, which induced him to infer, that the Protestation was laid before the houses of Parliament, *We do not conceive they give room for any such inference*: besides, when the Committee informed the Catholics, that they presented the Petition, and that the title of the Petition was 'The humble petition of the
 " persons, whose names are hereunto subscribed on
 " behalf of themselves and others, Catholic Dis-
 " senters of England," it appears impossible that any person in the least acquainted with the style of instruments of this nature could suppose it was signed by any others but those who presented it.

Secondly, Mr. Milner then says, p. 11. . . .
 " I shall now demonstrate that it (the Instrument)
 " has been equally interpolated at the end. I say
 " then, that there is now seen affixed to the lower
 " end of the Instrument, a skin of manuscript,
 " which avowedly never made any part of the ori-
 " ginal."

"ginal." We admit that a skin of manuscript has been added to the lower end of the instrument by the late secretary of the Committee, wherein he states, succinctly, the history of the Protestation, and that it had always been in his custody till delivered by him to Dr. Morton, the Secretary of the Museum. Whether he did right or wrong in adding this declaration, it is not our province to discuss, he says the terms of it were *well considered* . . . we think the *written declaration of the Secretary* an additional proof of the authenticity of the Protestation, at all events it avowedly never made a part, and from the very terms in which it is conceived could not make or be considered by any human being as a part of the instrument itself (for how can the instrument referred to and the instrument referring be the same) and we are at a loss to conceive how the affixing of a skin of manuscript to an instrument, describing itself to be what we have mentioned it, can be construed to be an interpolation of the same instrument.

Thirdly, Mr. Milner then asserts, (page 12) "That signatures have been foisted into the instrument since it was made up and presented to the legislature." But as he now admits that it never was presented to the legislature, this accusation necessarily falls to the ground.

Fourthly, Mr. Milner then says (p. 13.) . . . "I lay no stress upon the freshness of the two skins, on which the Protestation is written, compared with those containing the signatures; . . . but I refer to the
" punctures

“ punctures and marks, to be seen in many places
 “ of the scroll, which shew that it has been taken
 “ to pieces, since it was first formed and made into
 “ one charta partita instrument, and I refer, in par-
 “ ticular, to the top of the third skin, where the
 “ signatures commence, which is evidently much
 “ rumpled and worn with handling, and which, in
 “ an extent of twelve inches is perforated
 “ with no fewer than thirty-three needle-holes, be-
 “ sides those occupied by the threads, which fasten
 “ it to the present Protestation ; now the very tak-
 “ ing to pieces of a charta-partita, at least where,
 “ as in the present case, there is no chyrographum
 “ or indentura, to attest the relation of the parts
 “ one to another, totally destroys its credit, as an
 “ authentic instrument ; and the state of the third
 “ skin in particular as described above, forms so
 “ strong a presumption of the signatures having
 “ been fixed to other instruments, besides that which
 “ they grace at present, as no mind can resist.”

With the learning of the words charta-partita,
 chyrographum, or indentura, we have at present no-
 thing to do. But with respect to the freshness of
 the two first skins, we observe, that it could hardly
 be otherwise than that the skins upon which the
 Protestation is written, should be fresher than the
 other skins. The Protestation is beautifully
 written and it is the hand-writing of one per-
 son. The skins which contain the signatures were
 written upon by as many different persons, as there
 were

were different persons who signed them. Every person who signed it, would of course take something from the freshness of the skin, and occasion some friction and soiling. Besides, many of the skins with the signatures were sent backwards and forwards, some by the post, and some of course were better and more carefully folded than others. These circumstances surely account satisfactorily for any superior freshness of the two skins in question.

As to taking the instrument to pieces, it certainly was taken to pieces, in almost every part of it, twice; once, when a written copy of the signatures was made; and once more, when they were printed: It has also been stated to us, that, when the signatures were collected, and by reason of the distance of the parties, the original instrument could not be sent, a printed copy of it was transmitted together with a skin of parchment; and that in some instances the printed copy was sewed to the parchment. This accounts for the punctures, for the unequal number of them, and for the punctures in the skins not corresponding: as for some of them being rumpled and worn with handling, could it be otherwise?

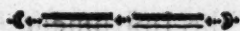
“But I have done.” says Mr. Milner (page 14.) “with presumptions of fraud, and with all such arguments as only militate against the authenticity of the present Protestation.” We have therefore done with the task you enjoined us, which was only *to inquire into the authenticity of the*
the

the Protestation. An examination of the other charges we have neither time nor inclination to volunteer. Here therefore we stop."

May 12, 1795.

Charles Butler,
Wm. Cruise,
Henry Clifford,
Wm. Throckmorton.

A LETTER



A

LETTER, &c.

GENTLEMEN,

TOWARDS the end of last February, the Club, self-called *Cisulpine*, of which you are distinguished members and reporters, addressed to me a printed paper, containing your first report on the authenticity of the Deed of Protestation, which is lodged in the British Museum, and exhibiting a complaint against me, for having asserted, that "I had reason" to think the said Instrument is not the original*." In a letter of April 18, 1795, addressed to Mr. Cruise secretary of the club, I stated some of the reasons, which had induced me to hold that opinion; and I shewed, that they were grounded on public assertions of Lord Petre, Sir John Throckmorton and Sir H. C. Englefield, actual members of your club, advanced by them, while they acted with other gentlemen, as Committee-men for the Roman Catholics. I added, that although I had yet seen nothing that invalidated those reasons, I was willing

* See Remarks on the Memoirs of G. Panzani, p. 432.

to relinquish them, as soon as satisfactory proof of the originality of the Instrument should be produced. I conceived this to be an answer directly in point: but in a second report, which the secretary of the club has since transmitted to me, you are pleased to pronounce, "that it contained not any thing of the slightest importance." It was obvious to conclude from this, that neither then did your complaint against me contain any thing of the slightest importance. But, Gentlemen, I rather conceive myself to be yet your debtor; and since my modest assertion "that I had reason to think "the Museum-deed is not the original," has been sufficiently *important*, to interrupt gentlemen of the Cisalpine club in their great business of curbing the exorbitant power of the Pope, and to turn four eminent counsellors into diplomatic reporters; it is a duty, which I owe to you and even to the catholic public, to shew, that I have not deranged so much important business, by a rash and unfounded assertion. I may even hope, that you will form a more favorable opinion of this letter, and allow that it contains something of importance, if not to yourselves, at least to the 1500 catholic gentlemen, whose names are affixed to the Museum-deed; and it is principally for their information that I make it public.

I must first remark, that the R. Mr. Milner in his *Reply* to your first report, from motives of the most pacific tendency, declared his resolution to suppress the publication of that *Reply*, hoping that the
ends,

ends, which he had in view, might be answered, by the delivery of some copies of it to a few of your friends, and to some of his own, upon whose discretion he could rely. Advantage has been ungenerously taken of this suppression to misrepresent his work; which cannot be refuted, as if it were solely confined to a scrutiny of the empty needle holes, which appear in the Instrument, and to other merely presumptive proofs of its spuriousness. I am sorry to add, that your second or *Further Report*, which I mean to examine, is plainly calculated to confirm this error. But, Gentlemen, Mr. Milner's *Reply* not only contains presumptive proofs; it administers demonstrative evidence of the spuriousness of your Deed. You weakly piddle with the former; you dare not meet the latter. The glare of it would flash conviction on the mind; but you shut your eyes, and in your second report you calmly tell us, "that you have neither "time nor inclination" to discuss his proofs, or as you classically express it, "*to volunteer* an examination of his charges." It may be presumed, Gentlemen, that neither time nor inclination would be wanting, if you possessed the means of refuting Mr. Milner's positions. Your inclination to support the credit of the false Deed cannot be equivocal, since you rather choose to give a weak answer, than generously to acknowledge your mistake; and less time than you have already lost in framing that feeble answer, would suffice to secure your triumph, if the cause could possibly bear you out.

You see, Gentlemen, with what confidence I talk. I feel not the slightest dread in coming forward to encounter the first legal abilities, which the catholic body can boast; and yet I am completely unpractised in the subtle fetches, with which you gentlemen lawyers are accustomed, in your pleadings, to evade the strong arguments of an opponent, and to disguise the weak cause of a generous client. It has been thought, that some lawyers are ever ready to defend any cause, however bad, for which they are retained; and if this be true, the resources of the art may perhaps sometimes give them success. But happily for me this is not a question of law; it is a matter of plain judgment and reason, in which an ordinary man, who stands on the ground of truth, may safely venture to grapple single-handed, even with a host of lawyers: for though I have sometimes heard gentlemen of your profession assert, that law itself is nothing but right reason; yet since I have read your *Further Report*, I have the comfort to think, that not all lawyers are, on that account, right reasoners. Your legal abilities then cannot overawe me in this cause; and your diplomatic knowledge, by your own allowance, must be left out of the account. You tell us, that "you have nothing to do with the learning," which that science involves; you even squeamishly reject the very terms, which it employs. Let me then endeavour to speak very plain language; and since 1500 catholic gentlemen are interested to know, whether their names are affixed to a genuine, or to a
spurious

spurious Instrument in the Museum; let me give them an opportunity of seeing the real arguments, on which Mr. Milner's charge is grounded, and of comparing them with the printed answer, which you have circulated under the title of *Further Report*.

I say then, Gentlemen, that Mr. Milner has produced presumptive proofs of spuriousness, and demonstrations of spuriousness against the deed, which you support. In your first report you positively declare, that your *attention* in examining the protestation in the Museum was *the greatest*; and that "there is
" no trace or mark of any alteration in it, nor the
" slightest reason to suspect any has been made." You declare that you are *fully satisfied* of all this; and you report it as the complete "result of your
" inspection of the instrument and examination of
" Mr. Hope, who had the charge of all the papers
" relative to that business." These declarations are clear, precise, and unequivocal. Mr. Milner has confuted them by pointing out a great variety of incontestible traces and marks in the external appearance of the scroll under consideration, which form at least a strong presumptive proof of its having been altered: and if you really did not discover any of those traces and marks, it is very certain that you were totally unqualified to judge of the authenticity of a deed, and that your report is therefore unworthy of further notice *. But you have
now

* The reader, who wishes to understand this matter completely, ought to procure Mr. Milner's *Reply* to the first report, now
advertised

now acknowledged the existence of these very marks and traces, which, after your attentive inspection, you were *fully satisfied* had no existence at all; and your second report is wholly employed in attempts, weak attempts, to explain them away; though being eminent lawyers you cannot be ignorant, that the bare existence of such traces would

advertised for sale by J. P. Coghlan. His presumptive proofs, or indications of the Instrument having suffered alterations, are as follows. 1. A series of needle-holes on the top of the first skin, indicating the mutilation of a skin, which once formed part of the Instrument. 2. The absence of the title involving the appellation of *Catholic Dissenters*, which title is prefixed to the Protestation in the official edition printed and published by the late committee. 3. The interpolation of a skin of parchment, containing an historical composition of Mr. Secretary Butler, which has never been laid before the 1500 catholic subscribers, of whose Deed it now makes a part. 4. The interpolation of names among the signatures, made nearly two years after the Instrument was made out and completed. 5. The comparative freshness of the two skins, on which the Protestation is written. 6. Punctures and marks in many places of the scroll, indicating that it has been pulled to pieces: in particular, the top of the third skin, where the signatures commence, much worn and rumpled by handling, and perforated with 33 needle-holes, besides those occupied by the threads, which fasten it to the Protestation. Mr. Milner thinks, that the state of this skin forms a *presumptive* proof of the signatures having been fixed to some other Instrument, which few minds will resist. The gentlemen reporters have not given any explanation of these 33 holes. 7. Mr. Milner observes, that the very taking to pieces a *charta partita* Instrument, especially where there is no *chirographum* nor *indentura* to attest the relation of the parts to one another, totally destroys its credit, as an *authentic* Instrument. The gentlemen reporters will for once excuse three hard words, which may be of use to the public, though they themselves *have nothing to do with them*.

alone

alone suffice to invalidate the authenticity of your deed, and to cause it to be scouted from every court of judicature in the land. I shall presently examine your explanations.

The other class of Mr. Milner's proofs is of the demonstrative sort; and to these, by a well-timed silence, you have not replied one word: you have not even attempted an explanation: and the reason is plain. Your aim was, not to refute Mr. Milner's arguments, but only to give an answer to Mr. Milner. These are two things widely different. You have performed the latter; you had neither *time nor inclination to volunteer* the former. Mr. Milner had told you, that his *Reply* should not be circulated; but your further report was intirely in your own power. Hence, to blink the main argument of your opponent was a stratagem, which you might employ with little risk of its being discovered; and in case it should pass unobserved, it would at once annihilate the main strength of your antagonist, and would besides spare you the awkward work of *inquiring into the authenticity* of the deed, which you have not yet begun to do, though, by your own confession, this is precisely *the task*, which was *enjoined you*. Hitherto you have only asserted it. You may applaud yourselves, Gentlemen, upon your own ingenuity; but the 1500 Catholics, who signed a Deed of Protestation in 1789, and those, who voted the original of that Deed into the Museum in 1791, will perhaps conceive the point, which

which you omit, to be the most important of all; and they will easily find *time* to inquire into it, because Mr. Milner's demonstration is so very plain, that neither diplomatical nor critical knowledge will be requisite to comprehend it: they need not employ lawyers and reporters; they need not call witnesses, nor weigh the degree of credit, which is respectively due to them; nothing will be wanting, but eye-sight and common sense, to bring conviction home to every man's breast.

In fact; every man, who knows Mr. Milner's proofs, and chooses to investigate the question, will argue in the following manner. "I know to a nicety, what was the text of the original Protestation, which I signed in 1789. I hold in my hand the collated edition of it, which Mr. Secretary Butler, who at that time could have no interest to garble it, attests in his official letter of April 7. 1789 to have been *attentively compared with the original**; that same text, which according to the first report, *was circulated among the Catholics* with the parchments for their signatures; that same text, which, having been *attentively compared* with the original and found precisely conformable to it, was, according to the further report *in some instances sewed to the parchments*, instead of the original; in

* Mr. Milner, p. 25. shews, on the authority of *Dom Vaines*, that a *vidimus* or copy of any instrument certified, by due authority, to be conformable to the original, is admitted by Diplomats to be of sufficient authority to determine the authenticity of the original itself.

a word,

a word, that same text, which the right honorable Lord Petre supports throughout, and which he publicly presented in 1790 to a lord of Parliament, Dr. Horfeley bishop of St. David's, for the genuine text of the Protestation. Now I carry this text, thus collated, thus attested, thus supported, thus certified, to the Museum; I compare it with the Instrument lodged there; when lo! instead of an exact conformity between them, I see before my eyes those numerous differences in punctuation, in grammar, in words, in language and in sense, which Mr. Milner has pointed out in his *Reply*, pp. 16, 17, &c. I say then to myself; it is physically evident, that this Instrument is not the original *. But

as

* It is certain, that the variation of one word, nay of a single point, in the present parchment, from what is known to have existed in the original, proves the former to be spurious beyond all power of contradiction. Mr. Milner's *Reply*, to which the reader is referred, points out several variations in the text, which form the *demonstrative* proofs, to which the reporters have not one word to answer. Among them are, a different system of punctuation, materially affecting the construction; the addition of the word *in*, in order to avoid a solecism; the transformation of the word *or* into *nor*, for the same purpose; the alteration of a whole phrase, viz. *Faith is not to be kept* changed into *No faith is to be kept*, by which the sense is very materially altered. Mr. M. has been informed by a celebrated literary character, that the reporters actually did discover this decisive variation, when they inspected the parchment *with the greatest attention*; though they have reported *as the result of their inspection*, that *there is no trace or mark of any alteration, . . . nor the slightest reason to suspect any has been made*. See Mr. Milner's *Reply*, pp. 14, 15, &c. He produces, p. 21. another important variation, viz. the suppression of the word *ever* in the Museum parchment, which is found both in Mr. Butler's collated copy and in Lord Petre's edition, though it is omitted in the official edition

as in reasoning, the argument *à falso* is sometimes used, in order to elucidate truth ; I will suppose for a moment, that Mr. Secretary Butler purposely deceived me by a falsehood, when he assured me in 1789, that the collated text, which I hold in my hand, had been *attentively compared with the original* ; I will suppose, that Lord Petre, by a gross prevarication, presented a false and spurious text of the Protestation to the Bishop of St. David's ; then in these suppositions, which are evidently absurd and impossible, I say ; the Museum scroll may indeed possibly be the original ; but then it is not the Deed, which I accepted and signed in 1789 ; it differs from it in punctuation, in sense, in grammar and in language. Whoever then has tacked my signature to it, has injured me ; I will tear off that signature ; or, if the guardians of the Museum oppose me, I will deposite by it a declaration, that I never signed that Deed *.

Gentlemen, when I understood that you had made a second report, I itched to see its contents. How,

sion of the 3d Blue Book. I lay no stress upon this proof, because I am not sure that Mr. M. has been as accurate in this, as in the other instances, which he has alledged. Certain it is, that neither Mr. M. nor I would wish to bring forward an unfounded charge, especially when the falseness of it might be so easily detected : and if he has been inadvertently misled in one instance, he has superabundantly proved his point in many others ; any one of which singly suffices to establish a demonstration, that the Museum parchment is not only a copy, but a falsified copy.

* It is to be observed, that the bulk of the Catholics throughout England, gave their signatures to the collated copies, not to the original Instrument.

said

said I, will these four lawyers act? Will they tell the public, that Mr. Butler, their foreman, imposed upon the catholic body, when he assured them, that the edition of the Protestation, which he circulated in 1789, was correct? Will they avow, that he engaged the bulk of the Catholics, to sign a faulty Instrument? that Lord Petre, in his address to the Bishop of St. David's, favoured the deception? They cannot, they must not do this. They will then, I continued, candidly give up what they cannot rationally maintain; they will own, that by some means unknown to them, an altered copy has obtained the place of the original; for surely all the wits of all the attornies in London cannot devise a third thing, on which gentlemen and scholars will attempt to ground a report. How little was I acquainted with the resources of professional men! There was a third thing; and that third thing you have adopted. It was to make a forlorn attack upon Mr. Milner's presumptive proofs, while you dared not look his demonstration in the face: and you excuse this figure of preterition by stating, "that you have done with your task of inquiring into the authenticity of the Protestation, and that you have no inclination to volunteer." Indeed, Gentlemen, you have not yet begun your task of inquiring into the authenticity; and remember, if you should attempt to maintain it in a third report, you will have to struggle against demonstration. Your late slippery answer may throw dust into the eyes of some of your friends; it may enable them

to say, that Mr. Milner's *Reply* has been answered; but it is indeed ill calculated to satisfy the enlightened minds of Lord Petre, Sir John Throckmorton and Sir Henry C. Englefield, to whom it is addressed. These gentlemen would never have *volunteered* this business, if they had known, if they had suspected, that a changeling had been substituted to the original Protestation. Their honour, their credit would have withheld them from engaging in hopeless controversy. Their honour and their credit will not be in the least degree impaired, as soon as they shall have acknowledged that they were in a mistake.

You perceive by this time, Gentlemen, what you ought to have said. I proceed to examine, what you actually have said. Mr. Milner in p. 6. of his *Reply* has instituted a cross-examination of Mr. Hope, first clerk to Mr. Secretary Butler, who, in your first report, is stated to have been examined by you, though neither your questions nor his answers are there reported. To avoid the pressure of this cross-examination, you inform us, "that it is merely an attempt at humour;" and that for this reason, "you shall say nothing upon it." But, Gentlemen, Mr. Milner certainly meant it very seriously, and he has reaped from it the advantage of reducing you to the necessity of *saying nothing*. I mean to pursue his method for three better reasons. The first is, because it will procure me the pleasure of conversing with Mr. Butler himself. The second is, because the concessions, which he and Mr. Hope
are

are going to make me, will empower me to vindicate those two gentlemen from the suspicion of having wilfully forged, or having wilfully substituted the Museum changeling to the original Deed. I am as earnest to secure their honour, as I am to invalidate their pretensions. The third motive for interrogating Mr. Hope, is to supply the lack of that information, which your cautious prudence has induced you to conceal from our knowledge. From your first report we learn that Mr. Hope was *examined*; and the *result* of this operation was, that *there is no trace or mark of any alteration* in the Deed. In your second report you have advanced one step farther; you have stated the seven questions, which were proposed to Mr. Hope; but your extreme prudence would not permit you to report his answers. You only inform us, that "he *de-*
posed in favour of the authenticity of the Instru-
ment;" and from this I must conclude and assume, that, if you have any reason to alledge his evidence in your favour, his answer to your fifth question was negative; and that it was affirmative to the other six. In this supposition, I beg leave, without the smallest pretension to humour, to accost Mr. Hope.

You say then, Mr. Hope, that the Instrument was in *Mr. Butler's custody*. In the first report, Mr. Butler says something different from this: he refers to you, as the person, "who had the charge of all
 "the papers relative to that business;" and of course the Instrument was in *your custody*. You
 thus

thus bandy about the poor Deed from one to another ; neither of you seems to be fond of the charge. But you say, "it was in Mr. Butler's custody till it was delivered out for signature, and after the signatures were affixed to it, till it was lodged in the Museum." This, Sir, is a plain avowal of what Mr. Milner has proved, that when *it was delivered out for signature*, that is, while it was moving about the metropolis and the provinces to gather signatures, it was not *in the custody* either of you or of Mr. Butler ; and consequently that, during this period, a substitution of a new Instrument may possibly have taken place, of which neither of you can give any account, and of which you both are innocent. Again, Sir, (I am not attempting humour) if the Instrument was not *in your custody*, while it was upon its travels ; and if it was *in Mr. Butler's custody* at every other period of its existence, viz. *till it was delivered out for signature, and after the signatures were affixed to it, till it was lodged in the Museum* ; there remains no period, in which it could have been *in your custody*, or in which you could have been *charged* with it. And if it never was in your custody, how can you vouch, as you do in the further report, that "*great care was at all times taken of it, and that, if any alteration had been made, you must have known it, and that you had always access to it*?" If you answer, that by reason of *the confidence reposed in you* by Mr. Butler, and of your close relation to him as first clerk, *your custody and his custody* are morally

morally one and indistinct, and that the self same guardianship of the precious Deed may, in a convenient sense, be predicated indiscriminately of either; I will not cavil with the evasion, but I will for the present insist, that you admit a restriction upon your last deposition, and allow, that you had not *always access to it*, while it was rambling about town and country to beg signatures. Your evidence that it was *in Mr. Butler's custody* after its return home *till it was lodged in the Museum*, is conformable to Mr. Butler's own history of the Protestation, which is now incorporated with the Instrument in the Museum. His words are "From the time it was signed till the present moment, it has been *in my custody*." Now, Sir, was not the Protestation, after it was returned *signed* to Mr. Butler, and before *it was lodged in the Museum*, delivered out to the printer to be printed? The printer has assured Mr. Milner that it was, and Mr. Butler has acknowledged it. See his curious letter in *Eccles. Democ.* p. 300.* Can you pretend, Sir, that

* In this letter Mr. Butler speaks thus:—"The signatures of the Protestation were taken on separate small skins of parchment, and sewn together, and annexed to the Protestation.

"The Protestation and the signatures were delivered to the printer to be printed.

"After the printed copies had been given to the Committee, and some of them circulated, it was discovered that some names were omitted, and on enquiry into the matter, it was found that a few whole skins had been omitted. It was not in my power to superintend the press, and therefore it was intrusted to another

that it was at this time in *Mr. Butler's custody?* Nay, has not Mr. Butler excused himself from the strange neglect of it upon this occasion, at the expence of another person, who appears to have been no other than yourself? *ibid.* And thus your custody and his custody are once more become separate and distinct. In a word, an alteration may possibly have been made, while the Instrument, abandoned by its guardians, sojourned at this protestant press, which, it seems, was employed for such papers, as were intended for members of Parliament and other Protestant gentlemen, while honest J. P. Coghlan was intrusted with Blue Books and other publications destined to enlighten Catholics. For why might not an accident of this sort have happened to the context at this press without your knowledge, as easily as an accident there happened to the signatures? You, Mr. Hope, bar off this difficulty by asserting *that*

“ther person,—and to what accident the omission in question
“was owing, I know not.

“On the discovery, the circulation of the Protestation was
“stopt; the omitted names were twice printed; first on a separate
“sheet, and sent to those to whom the imperfect copies had been
“already circulated;—the whole of the names, with those in the
“skins omitted, were then printed and circulated, wherever the
“former imperfect list had been sent.

“This is the state of the circumstance in question;

“With great respect, Sir,

“I am, &c.

Lincoln's Inn, May 11, 1792.

—————.”

great

great care was at all times taken of the Instrument : and certainly you will allow, that this *great care* was at no other time so requisite, as when the Instrument was published for the use of members of Parliament, as a *solemn pledge of the integrity* of Catholics, and with the names of the subscribers, as a proof *of their respectability*. You perceive, I use the words, which were employed by Lord Petre, Sir J. Throckmorton and Sir H. C. Englefield in 1791. 3d B. B. p. 41, 42. Now, Sir, comes a hard question. Is it not true, that a few whole skins of this venerable Instrument, which, by the confession of the reporters, "was taken to pieces, in almost every part of it, when the signatures were printed," were upon this occasion omitted, and that the omission was not discovered, until after the printed copies had been given to the committee, and some of them circulated. See *Mr. B.'s letter, Eccles. Democ. p. 300*. Pray, Mr. Hope, how many signatures may these few omitted skins have contained? Did they not contain above three hundred? And, Sir, will you pretend (I am not in humour) that *great care was at all times taken* of that Instrument, of which, when it was pulled to pieces, nearly a fourth part was overlooked by its constituted guardians, who did not even perceive the omission for months afterwards? I readily believe the assertion of the gentlemen reporters, "that the confidence reposed by Mr. Butler in Mr. Hope is known to them . . . and that there seldom occurs an instance of a person in Mr. Hope's situation being

“ so much esteemed and respected as he;” but I cannot admit their inference, “ that this adds “ (much) to the importance of his testimony,” at least on the present occasion. If the catholic meeting of 1791, which voted the original Instrument into the Museum, had been duly apprised of the carelessness, with which it had been guarded, they would not perhaps have rewarded Mr. Butler’s assiduity with so large a fee as one thousand pounds; but the proofs of his negligence would have *fully satisfied* that meeting, that a substitution of a false Instrument might easily have happened, without giving room to suspect either him or his clerk of a dishonourable deed. Indeed Mr. Hope, your deposition has not proved the authenticity of the Instrument.

I will now take the liberty to propose a few questions to Mr. Butler himself. But first I must call upon him to produce and to lodge in some known shop or public place in London, for the satisfaction of the Catholics at large, a fair copy of that edition, or editions, of the Protestation, in which the list of names is imperfect: for until this be done, no catholic gentleman can know, whether he was, or whether he was not one of the three hundred, whose *integrity and respectability* were, for months together, at the most critical juncture, rendered questionable in the eyes of the legislature, solely by Mr. Butler’s neglect of his duty, as guardian of the sacred Instrument.

It is plain then, Mr. Butler, that you are no longer backward in speaking to the merits of the Deed,

Deed, the custody of which you have so much neglected. You "*declare*," in your second report, "in the most explicit and solemn manner, and "using the expression in the sense agreed to by "both parties, that the Instrument of Protestation "in the Museum is the *authentic* Instrument; that "is to say, not a copy, but the *original, identical* "Instrument." But are you not aware, Sir, that you invalidate your own testimony, by volunteering it at this extravagant rate? Whoever proves too much, proves nothing; and whoever asserts more than he can prove, would do better to assert nothing. The emphatical declaration, which you here sport, in lieu of proofs which you cannot produce, will never defeat the proofs, which Mr. Milner has alledged. You inform us, that this gentleman "*expects express declarations* from you upon "every point." I apprehend, you mistake the matter. He expects proofs. Your *explicit declaration*, even if supported, not by three, but by three millions of lawyers, will never convince a man, who knows how to read, that the Museum text is the *authentic original* of another text, which differs from it in punctuation, in letter, in word, in grammar, and in meaning. You and Mr. Milner assert with equal confidence the two opposite extremes of a contradiction. He administers proofs, ocular demonstration and the concessions of his opponents, in support of his assertion: you administer no proof whatever. Who shall obtain belief? you *declare* more than it is in your power to prove: for by what has been stated above, it appears, that you are incapable of

giving any account of the adventures of the Instrument, during the journies which it made to complete its signatures, and while it lay unsewed and loose at the printing office; and your unpardonable inattention to the omission of more than three hundred signatures upon that important occasion, is my warrant for asserting, that you were equally capable of being deceived by the substitution of a false Instrument, which written in the same hand, varied in punctuation and in some words from the original. *Qui nimis probat, nihil probat*; and he, who asserts too much, asserts nothing.

Do I then mistrust your word? I will answer the question, Sir, and I hope you will understand me rightly upon this point. I admire your talents and legal knowledge; the fame of which fills our courts of justice; I revere the virtues of your character, and I respect your word in all private concerns, as that of a gentleman and a christian: but when you act as a man connected with party; when you talk official language as the agent of other persons; when you assume the principle of the retained lawyer, who must labour unremittingly to obtain a verdict in the cause, which he has once espoused; I hope you will not be offended, when I tell you, that I hold your declarations in no greater veneration, than I hold the *explicu declarations* of Cicero in favour of his client Milo, or the pleadings of a Gibbs or an Erskine in a cause, which they themselves foresee that they must lose. Party, Sir, is apt to warp the judgment; and partymen, with the present

present conviction of truth, often utter assertions hasty, rash, and inaccurate. Unless their memory be very correct and retentive, (and your friends have acknowledged, that this is one of the very few mental endowments, which providence has not lavished upon you) the succession of events surprises them into other assertions, which, though uttered with equal conviction of present truth, will in the end be found to be contrary, or even contradictory, to the former. This misfortune will probably befall them, whenever they defend a faulty cause. It gives indeed an advantage to their antagonists, but it does not disparage their reputation or their honour: and he would be an ungenerous opponent, who should question his adversary's character for veracity, because, in the course of a controversy of five years standing, he had discovered in his language either inconsistency or contradiction. How many instances might I cite in proof of my observation, without going out of your own club-room! In 1792 Lord Petre, Sir J. Throckmorton and Sir H. C. Englefield publicly said, " the Protestation " was a solemn Instrument, signed (with few exceptions indeed) by all the clergy and all the " laity. To the minister, to the houses of Parliament, to the nation your Committee had presented it." In 1795 these gentlemen having read Mr. Milner's *Reply* and your *further Report*, will acknowledge, that the Committee did not present to Parliament the Protestation of the Catholics, but a private petition, varying in many very important

tant points from the Protestation. Their honour is not impeached. Again, Sir, when Mr. Milner inquired from you, why his name had been omitted in the list of signatures of the Protestation, printed for the use of members of Parliament, you answered him, that the omission had been occasioned *by the slipping of the skins*. Soon after, you relinquished that ground, and said, "that you did not know, to what accident it was owing." Mr. Milner, who well understood the purpose, which the omission of his name was intended to serve, believed neither of those stories, but considered them both as the unmeaning language of office. In the course of the same business, you assured me, "that the Committee had taken the opinion of several of the most respectable divines among us, for the lawfulness and the necessity of making their protest against their bishops; and that this measure was originally suggested by a divine."

Some months after, you had forgotten this assurance, and, in a moment of distraction, you *declared* to the public in a printed letter, "that no part of the English clergy had any connexion with or influence over the minds of the Committee, that you were in any wise apprised of," in that transaction. The assertions were contradictory; I smiled at the official language of the retained secretary; I continued, and I still continue to respect the gentleman. Let this distinction, Sir, be established, and we shall go forward very smoothly.

And

And here is the place to say a word of the term *forgery*, the use of which in Mr. Milner's reply, has, I am told, given offence. Indeed, Sir, it is impossible to prove, as Mr. Milner has done, that one deed has been substituted for another, without proving at the same time, that a forgery, either intentional or material, has been committed. If you give me *bona fide* a false bank bill in payment, I discover it, and I say, that a forgery has been committed: but I do not injure you, unless I impute to you the fabrication, or at least the fraudulent uttering of the forged note. Mr. Milner has positively avowed his conviction, that the gentlemen of your club had no suspicion of a forgery; he accuses no man of it, and he has proved that it might easily have happened without your knowledge. If I may be allowed a conjecture, I think it probable, that the false Deed was lodged in the Museum, without an intentional fraud having been committed by any one. I need but suppose, that either yourself or some other friend of the Protestation, having heard of the solecisms and errors, which disgraced it, employed the scribe to write a new copy, into which he introduced some alterations, in order to purge the favorite Instrument of some of its notorious blurs. He may have *volunteered* this transcript, from a motive of pure zeal; he may have done it, with a view of consulting the Committee; certainly without any foresight, that the authenticity of the Deed would become one day a subject of discussion. And if this copy chanced to lay in your way,

while

while you were collecting, threading and splicing the scattered limbs of the poor disjointed Instrument for the Museum, you may very easily have sewed up that copy among them, instead of the true original. I mean, Sir, to say in plain words, that your inattention to your charge is proved to have been such, that of two or more copies written by the same hand, you would not, at least without *attentively comparing them*, readily discern the false from the authentic. You are too wise to take amiss what I say merely through tenderness for you. If I had not proved your neglect of the Instrument consigned to your custody; persons, who are strangers to you, seeing that there has certainly been *a slipping of skins* in this business, might perhaps impute it to you as an intentional prevarication in your trust. I and Mr. Milner disclaim and disavow suspicions of this cast. We have kindly proved you to have been forgetful and inattentive; and we pity you now reduced to the distress of maintaining a cause of office, by advancing naked declarations in opposition to naked facts.

But what shall I say to the testimony of such men, as Lord Petre and Sir H. C. Englefield? I say, that you gentlemen reporters assert, "that they agreed on the points, on which they were questioned;" but that you very prudently conceal both the questions, which were proposed, and the answers, which were given. It cannot be questioned, that you would have reported their testimony in the nicest detail, if it went to *prove* the authenticity and originality

originality of your Instrument. If they could have given convincing and conclusive evidence of its originality, four learned counsellors would not have been called in to assist them. I am persuaded, that in so nice a cause, so interesting to 1500 catholic gentlemen, Lord Petre and Sir H. C. Englefield will be very cautious not to vouch for more than they *know* to be true, and will not *volunteer explicit and solemn declarations*, unless they can support them by proof. We are indeed informed, that the questions put to them were " of the same import " as those which were put to Mr. Hope, and that " they deposed in favour of the authenticity of the " Instrument." If the questions were the seven identical ones which were proposed to Mr. Hope, their answer undoubtedly was, that the Deed had never been altered, or changed for another, to their knowledge; that they judged the hand-writing to be the same with that which they had seen a few years before; and therefore they believed the Deed in question to be the original identical Protestation. I know not what else they could have answered with truth; but I do not discover, how such a deposition proves the authenticity of the Instrument. When their evidence shall be precisely stated, I will give you more exactly my opinion of it.

In the mean time, Gentlemen, I must make a few observations upon the often mentioned presumptive proofs of alteration, to invalidate which, the whole of your further report is calculated. You

E

will

will recollect, that in your first report you stated, that " your *attention* in inspecting and examining " the Protestation was the *greatest*, and that the " *result* of your inspection and of your examination of Mr. Hope was, that *there was no trace or " mark of any alteration in it*, nor the slightest reason to suspect any had been made." You certainly presumed that nobody would venture to contradict you. However, in answer to your assertion, Mr. Milner pointed out a great variety of such *marks and traces*, both in the way of mutilation and of interpolation. The Cisalpine Club read Mr. Milner's *Reply*; they were astonished, and they sent you back to make another inspection. Now what is the *result* of this second inquiry? It is a confession extorted from you four gentlemen, that the several traces and marks of alteration, which Mr. Milner indicated, are really found in the Museum Deed. True, you say; but then we lawyers can account for those traces and marks; we have made a *further report*, and we have explained them in a way, that must appear to every reader, simple, easy, and natural. I answer; whether you can account for them or not, it is equally true, that they are there. For instance, whether the needle-holes at the top of the first skin were occasioned by the cutting away of a flick, as you say; or by the cutting away of a skin of parchment, as I and Mr. Milner suspect; you are obliged at least to confess, that they are *traces and marks* of something having been cut away. All that I would infer from this at present,

present, is, that in your first report you missed the club, and missed it, either through culpable inattention in your inspection, or through ignorance of your duty as diplomatic inspectors, or else by a wilful and premeditated falsehood. I do not suspect this latter; and certainly you would have reason to bounce, if any man accused you of it. I leave you then the choice of the other two; and either of them will suffice to invalidate the credit of your whole report.

You are pleased to tell us, that the empty needle holes, which I have just mentioned, were occasioned "by removing a piece of wood originally fastened at the top of the first skin, to the last skin of the whole; that it might not be necessary to unfold the whole, in order to get a sight of the Protestation." Here then, Gentlemen, we have the *slipping* of a rolling flick. May not I call it a wand? It is destined to work wonders. *Tum virgam capit, hac &c. &c.* A wand is sometimes a necessary implement in business; and when the prodigy is cleverly performed, no man troubles his head about probability. Mr. Butler, ever fond of *explicit declarations*, "declares in particular, that the needle-holes at the top are owing to these circumstances." But Mr. Butler has heard, that naked truth is always one and uniform; and if he knows with certainty, that this was the real occasion of these holes, why has he not always given the same account of them? Persons might be named, to whom he has explained them by saying,

that the same holes are common in most parchments, for the purpose of drawing pencil lines. This double account of the same phenomenon would prove Mr. Butler to be a bad philosopher. It militates against the maxim, *Frustra fit per plura, quod potest fieri per pauciora*. The slipping of the wood upon this occasion looks very like a counterpart of the slipping of the skins, which, upon another, caused the omission of Mr. Milner's name.

It is indeed conceived, in the full style of that *language of business*, which was in vogue a few years ago, and which I was always too dull to comprehend. We are told in the report, that the Committee itself *directed* the removal of this mischievous piece of wood. The order then will be recorded in their minutes, and have they been examined? Any man of less ingenuity would have remedied the inconvenience, which is alledged, not by cutting off the stick at the top, but by adding another at the bottom. Both ends would then have fared alike. Genealogical and other scrolls, which are seen in libraries, usually have a roller at each end. I cannot be positively sure; but in truth, Gentlemen, there are grounds to class this explanation of the upper series of holes in the category of official responses, of which I have already produced some samples. Whatever credit it may obtain among your admirers, the nether row of thirty-three empty holes, or *trous de loups*, on the border of the first skin of signatures, immediately below the Protestation, remains yet unexplained; and with these

these Mr. Butler's rolling stick can have no concern. Unfortunately too, this first skin of signatures was filled with names in London, and of course was not punctured by being sewed to a printed copy; by which operation you ingeniously account for the holes in some of those skins, which were sent to collect signatures in the country. As your inquiries have not led you to the history of these thirty-three fatal punctures, they will still exhibit a presumptive proof, vehemently persuasive, that the signatures were once sewed to a different parchment, viz. the true original; for the present Deed presents no empty holes to correspond to them. There is however, Gentlemen, one point, on which you are well qualified to give satisfactory information. In case you should carry into a court of judicature a Deed bearing simlar traces of alteration; such, for instance, as marks of the seals having been cut away and replaced; would it be admitted in evidence, merely upon the strength of your being able to give some kind of plausible account how the same might have happened? Your answer to this question will instruct me how to form a just notion of the value of your story of the stick and the needle-holes.

My story of the *title*, though unsupported, like yours, by positive proof, will always appear more probable. You have observed in your report, that "Mr. Milner has never mentioned any occasion, on which the title was used, or any end it either could or was intended to answer." I must then
 supply

supply the omission. The original Deed and the collated copies of it were presented for subscription in the spring of 1789, without any title prefixed to them. At that period a title involving the appellation of *Dissenters* would have been universally disrelished. But the denomination of *catholic Dissenters* soon grew out of the matter, which had been subscribed. On the 25th day of November 1789, the Committee publicly announced, that “ the merits
“ of their plan (for the relief of Catholics) chiefly
“ rested upon the propriety and probable efficacy
“ of the name of *Catholic Dissenters* ;” and it is in the recollection of us all, that they spared no pains to engage us to acquiesce in that denomination. Among other means employed to recommend it, it was introduced into the titles of papers published by the Committee ; as, *The Case of the English Catholic Dissenters* ; *The Petition of the Catholic Dissenters of England* ; *The Declaration and Protestation signed by the English Catholic Dissenters in 1789*. Here then, Gentlemen, was *an occasion*, on which *the title was used*, and formally prefixed to an official edition of the Protestation, which thus metamorphosed 1500 catholic gentlemen, whose names were subjoined, into *Dissenters*, without their consent. A title, which comprehended the *chief merit of the Committee’s plan*, was not an irrelevant part, which might be added or omitted at the option of the editor or printer ; and indeed it can hardly be imagined, that men, who were so eager to establish that favorite appellation, would present it every
where

where else, even at the head of their official edition of the Protestation, and not prefix it to that venerable original itself, from the contents of which it first arose. As it is then highly probable, that the title so often printed, was at some period sewed on to the upper limb of the Deed, as the needle-holes plainly indicate; so it is certain, that in this supposition, it must have been cut away, when the Deed went into the Museum: because at this period it would have been both incongruous and offensive to exhibit on a public monument a title, which the legislature had forbidden, and which the Catholics had now refused. Your report asserts, that the mentioned Instrument "was printed with a title," "because otherwise, persons ignorant of the catholic concerns, would not have known what the Instrument was, without examining it at full length." I answer with Mr. Milner, *Reply*, p. 11. that this evasion is truly ridiculous; since the Committee could not have been so very dull, as to specify Catholics to persons ignorant of their affairs, by a name, which Catholics never bore. Gentlemen, I like the story of the title, better than the story of the rolling stick.

Another mark of alteration is equally admitted by you all four. It is the addition of a skin, avowedly apocryphal, at the bottom of the instrument. In your report, you even express a doubt, whether Mr. Secretary Butler acted right in inserting this skin. To ward off however the heavy charge of interpolation, which Mr. Milner has proved against that

that gentleman, you are reduced to the awkward shift of maintaining, that the scroll in the Museum is not one, but two instruments. It would be losing time to refute this desperate attempt at logic; especially since, in this inquiry, you have renounced diplomatic learning, which would quickly invalidate your pretension. If I were inclined to examine Mr. Secretary's volunteered history of the Protestation, now incorporated with the Deed, I might perhaps agree with him, that "the terms of it have been well considered;" but I should certainly deny, that they have been well calculated to convey impartial information to posterity. One thing is observable in it to the present purpose. Mr. Secretary cannot forbear, even in this little work, from making declarations. He declares to posterity, "that the Protestation *had always been in his custody* till delivered by him to Dr. Morton, the "Secretary of the Museum:" and in the *further report*, he and his three learned co-reporters "think "this his *written* declaration an additional proof of "the authenticity of the Protestation." The high value, which these three gentlemen place upon the official declarations of their foreman, may be thought by others to betray a woful vacuity of proofs. The declaration in question has been already found light, when weighed against facts; and Mr. Secretary's repetitions of it, whether written, printed, or verbal, will never fetch it back to an even balance.

You

You have also tacitly acknowledged the instances of interpolation, which Mr. Milner has specified in the signatures ; but you pretend that the charge of interpolation “ falls to the ground,” because the original list of signatures was never presented to the legislature. Unfortunately for this strange plea, the *well considered* history of the Protestation, which Mr. Butler, without the consent of the Catholics, has most unwarrantably made part of their Deed, fixes the time of the names being signed to “ the beginning of the year 1789 ;” and yet the names, which Mr. Milner has produced, were inserted at least as late as the spring of 1791. The charge of interpolation is again upon its legs.

Lastly, Gentlemen, you have been reduced to confess, that the two skins, on which the Protestation itself is written, appear fresher than those of the signatures ; although you admit, that the former made more journies than the latter, and that it was often necessary to afford a sight of the Protestation to persons, who did not wish to unfold the whole. The natural consequence of these concessions is, that the Protestation, instead of being fresher, ought to be more soiled than any other part ; since, to use your own words, “ every person,” who handled it, would of course take something from the freshness of the “ skins, and occasion some friction and soiling.” You have now also discerned empty needle-holes in most of the skins, and you have even granted one inference, viz. that the scroll has been taken to pieces, and again new modelled, since it was first formed. You

F

have

have yet to assign a satisfactory reason for having dismantled the Instrument in this manner. It must be something better than the pretext, that it was done in order to copy it or to print it. When you have cleared this point, you will oblige me by answering the following question. What proof is there before the public, and what argument have you to satisfy yourselves, that a copy, instead of the original, was not tacked on by the person, who undertook to sew the instrument together again? By whose hands was this operation performed, and who witnessed the work?

You perceive, Gentlemen, how inconclusive, how trifling, your answers are to the slightest, and indeed the only part of Mr. Milner's *Reply*, which you had any inclination to encounter. Before I take leave of you, I must observe, that you exult rather ungenerously in the mistake, which Mr. Milner himself has acknowledged in a postscript, because, when he discovered it, the impression of his *Reply* was completed. It consists in having asserted, that the Protestation with the signatures had been laid before Parliament; and assuming this as a fact, he specified in detail the several alterations, which were introduced without any authority, into a public Deed upon that occasion. Now every impartial person must allow, that he was led into this mistake, merely by giving implicit credit to the repeated assertions of members of your own club, who, in many passages of their Blue Books, plainly announce this as a matter of fact. I am confident,
that

that excepting the Committee and perhaps a few of their friends, not a Catholic in England had a doubt about it : and unless Mr. Milner had proved the many unwarrantable alterations of a public Instrument, which the admission of the fact would imply ; I am equally confident, that he would have been called to a severe account, if he had presumed to bring the truth of it into question. Among other passages of similar import, Mr. Milner quoted the following words of Lord Petre, Sir John Throckmorton and Sir Henry Englefield, *3d B. B. p. 8.* " The Protestation was a solemn Instrument, *signed* (with few exceptions indeed) by all the " clergy and all the laity. To the Minister, *to the " Houses of Parliament*, to the nation, your Committee had solemnly *presented it*, as an explicit " and unequivocal declaration of the sentiments of " the English Catholics." He might have quoted the words of your own first Report, where speaking of the Protestation you say, " when it was *presented to the House, &c.*" Now, Gentlemen, the most astonishing asseveration in all your *further report*, is that, wherein you assert, that " the expressions stated from the Blue Book by Mr. Milner, do not give room for any such inference, as, " that the Protestation was *laid before* the Houses " of Parliament." And is there then any official subtlety of distinction, which can authorise four grave counsellors to say, that a Deed *solemnly presented* to Parliament, is not *laid before* Parliament ? Indeed, Gentlemen, we men of unrefined intellects

must think that you are here uncivil to your club-mates. Mr. Milner was more polite. He verily believed that they had *laid before* Parliament, what they publicly professed to have *presented* to Parliament; and if he was mistaken in his inferences, it would have been becoming in you to enlighten him, not to triumph over him. But you support your assertion by adding, that "it appears impossible that any person in the least acquainted with the style of instruments of this nature, (*viz.* public petitions) could suppose it was signed by any others, but those who presented it." If this doctrine be true, I must conclude that the petitions for the repeal of the shop tax, the test act, &c. were signed by no more persons than those, who actually presented them. I am less acquainted than you are, with the style of public petitions; but I will venture to assert, that Lord George Gordon's petition against the Catholics is the only one of a public nature, which all the subscribers ever undertook to present to Parliament. I may remark by the way, that if we Catholics had been *protesting dissenters*, probably that famous petition would never have been presented at all.

When the occasion of Mr. Milner's mistake is duly considered, you will appear to have little reason to complain of him for having inferred, "that a spurious Instrument had been presented to a branch of the legislature on a solemn occasion." To prevent such mistakes and such inferences in future, it may be hoped, that you four gentlemen
and

and your friends will first determine the matter among yourselves, and then definitively inform the public, what Instrument really was presented to Parliament upon that occasion. In settling this point, three facts will claim your attention. The first is, that if any credit is to be given to the assertions of Lord Petre, Sir J. Throckmorton and Sir H. C. Englefield, repeated throughout their Blue Books, the Protestation signed, with very few exceptions, by all the Catholics, was by them and other gentlemen solemnly presented to the houses of Parliament. The second is, that if any credit is to be given to your report, the repeated assertions of Lord P. Sir J. T. and Sir H. C. E. that the Protestation was presented to Parliament, give no room to infer, that the Protestation was laid before Parliament. The third is, that what was presented to, or laid before Parliament, was not the original Protestation; but the Protestation chequered with many important variations, as Mr. Milner has now proved. These three facts may be adjusted in the club room before you frame your third report.

But, Gentlemen, will you really attempt a third report? It is a pleasant thing to be engaged in controversy with you; you are so good humoured, so condescending! Mr. Milner's short *Reply* has operated, like euphrasia, upon your eye-sight. Before he wrote it, your day-lights were perfectly dimmed. You *inspected* the Museum Deed with the *greatest attention*; you could not discover a single trace or mark of alteration in it; you explicitly declared, that

that there was none. Mr. Milner wrote a few lines, and immediately *ceciderunt tanquam squamæ de oculis vestris*; the first thick film came off from your eyes; you discovered a multitude of those traces and marks; but you are not yet completely couched. Your vision is still confused and indistinct; you refer those marks and traces to wrong points; you even see a double Instrument in the Museum, where there is but a single one,

Et solem geminum ut duplices se ostendere Thebas.

En. 4.

All this is usual in the beginning of a cure. But be not disheartened; preserve your good humour, and perhaps you will find before the next club-day, that I have directed you to a station, from which you will enjoy a clear and distinct view of the whole business. I have particularly laboured to bring within the sphere of your improving eye-sight, those demonstrative proofs, of which your eye-balls were too weak to support the glare, when they were presented by Mr. Milner. You have been liberal in your concessions to him; shew now a little generosity to me. I am his friend. If you publish a third report, I must expect a few trifles from you. The first is, that you do not content yourselves with *explicit declarations*, as you have done in your late reports, but that you exhibit some proofs of what you declare. The next is, that if you attempt to prove the originality of the Museum Deed, you first make an explicit and solemn avowal, that Mr.

Secretary

Secretary Butler grossly imposed upon the Catholics, when he assured them in 1789, that the text, which he circulated for signature, was *attentively compared with the original* now in the Museum; that this attentively compared text was a falsified, spurious, and corrupt text; still further, when you shall have, not asserted, but *proved* the present Museum Deed to be the true, primitive immaculate and virginal original, that you then acknowledge, that it is not the text which was signed in 1789 by the bulk of the catholic subscribers, who are therefore now at liberty to withdraw their names. When I require no more than this for my labour, you will allow that I am moderate: but there is one point besides which I cannot forego. I must insist that Mr. Butler and Mr. Hope boast no more of having been attentive and watchful guardians of the Deed intrusted to them; and that they talk no more of *the great care, which was at all times taken* of their precious ward. I declare for once in the most explicit manner, that I will never allow this, as long as I have a drop of ink. — and to be brief

For to be serious, Gentlemen, in a matter of this consequence; let me intreat you to ponder the important duties of a trustee-guardian, and you will see that I ask not too much. Tell me, Gentlemen, what would you think of my Lord Chancellor, if he should behave towards one of his tender female wards, for whose safety and reputation yourselves and 1500 other gentlemen were particularly concerned, as Mr. Butler has behaved towards his.

Suppose

Suppose you should respectfully remonstrate to his Lordship, that she had been met strolling about the town; that she had been traced into the country; that you *have reason to think* that she has sustained affronts;—No, says my Lord Chancellor; she was in my house before she went out, and she has been in my custody ever since she returned home: there she stands before us; and in all her external appearance, there is no trace or mark of any misfortune, any alteration whatever.—But my Lord, behold her forehead; it is punctured with bodkins and transfixes with pins; her fair face is soiled and smutted; she has been found in shops among journeymen; she has been handled by printers and printers' devils; her apparel is disfigured: it is ripped, tattered and patched.—Away with your complaints; she could not walk the streets without gathering some dirt; her front may be a little scratched, but I declare, this happened in the shifting of her head-dress; and as for that large patch at her tail, it only proves that she has two gowns on instead of one.—But again, my Lord, with submission; we humbly hoped, that these marks and traces would lead your Lordship to discover the real truth; but if we must tell it, it is no longer the same person; your ward has been kidnapped; this girl is a changeling; we possess exact portraits of our unfortunate young friend, which specify all and each of her natural marks; they were attentively compared, collated, certified, and warranted by your Lordship to be true and accurate; but they

all

all fail upon comparison with this alien.—Gentlemen, you seem to expect express declarations upon every thing. I declare then in the most explicit and solemn manner, that the young person, who stands before you, is the same authentic girl, that is, not a counterfeit, but the same identical ward, whom the law intrusted to me. Here is my first clerk; he will testify, that the greatest care has at all times been taken of her; and I have besides three eminent lawyers, who will sign with me an affidavit, that my declaration is true. I have only to add, that they well know the confidence, which I repose in my clerk; and there seldom occurs an instance of a person, in his situation, being so much esteemed and regarded as he: this, as you perceive, adds to the importance of his testimony. And now having clearly satisfied all your difficulties, I have neither time nor inclination to volunteer any more.

You perceive, Gentlemen, that I am here very serious. Why then does Mr. Butler smile? Quid rides? Mutato nomine de te fabula narratur.

Gentlemen, I mean not to tire you. I am sensible, that some of your friends will be once more angry with me, for being so much in the right. Since the proceedings of the late Committee first brought me into controversy, I have never experienced any difficulty in dealing with my opponents. I have sometimes found it a harder task to satisfy the wishes and expectations of my friends. It is possible, that some of both these classes may be

led to conclude with me upon this occasion, that the Instrument of Protestation, to which they gave their signatures in 1789, exists no more. If they should hesitate at the next inference, that therefore they ought to withdraw their names from the false Deed at the Museum; they may perhaps resign their doubts to the following considerations, which I will barely propose, and will not try to enforce.

1. The Protestation which they signed in 1789, is now universally known and believed to be the work of Earl Stanhope. Would they choose to borrow their political or their theological creed from that nobleman—perhaps from Jeremy Joyce?

2. They, or the great majority of them, signed the Stanhopian Protestation, under an assurance that no oath was to follow it, and under explanations of several passages, which were judged to be respectively captious, doubtful, inaccurate, disputable and erroneous. Of this latter description is the proposition, which utterly disavows the dispensing power in the church. The Instrument was moreover disfigured with false grammar and solecisms.

3. The Protestation of 1789, and the oath grounded upon it, were rejected in 1791 by authority of Parliament, which substituted, instead of them, our present oath. This oath therefore is now our only Protestation, and the only engagement with our country, to which we are pledged. There is no need then of preserving another, which has been an unfortunate source and occasion of discord.

4. If the wisdom of Parliament, in rejecting the Protestation had equally prevailed in the catholic meeting of 1791; the very source of our differences would have disappeared for ever. The vote, which ordered that source to be preserved in the British Museum, was brought on unawares, without any notice given to the great majority of subscribers, who alone had a right to dispose of the Deed, which they had signed. Whatever intentions may be supposed to have influenced the movers of that vote, the consequence of it has been to perpetuate disunion, by furnishing to some individuals a pretext to sanction and justify their inadmissible oaths, as if they were fairly grounded on the declared sense of the catholic body.

5. It is notorious that the freedom of debate was infringed in the meeting of 1791, in which a vociferous party of gentlemen hindered the chairman from proposing an important amendment, which was regularly offered, and which, according to all rules, ought to have been disposed of, before the original question could be put to the votes, what validity can be ascribed to the proceedings of a meeting so informal and irregular?

6. Although the Protestation was accepted and signed under explanation; yet after it had been subscribed, it was interpreted to signify more than the words imported. This would authorize every subscriber, who wishes to escape the censure of posterity, to ascertain the precise sense, in which he subscribed it, even if the original Deed remained
in

in the Museum. But if an altered copy has been introduced in its place; then the patrons of the original Instrument cannot have any interest to support the credit of a changeling; and every other motive concurs with double force to persuade the subscribers to withdraw their names from an Instrument, the text of which they never signed; or at least to make a declaration that they never signed it.

I am Gentlemen, &c.

Stonehurst,
Nov. 10. 1795.

Charles Plowden.

